

Sholly, Brian

Source:  
USCG Docket

2004/G407

**From:** Flynn, Louise [LFlynn@comdt.uscg.mil]  
**Sent:** Monday, December 20, 2004 12:54 PM  
**To:** Sholly, Brian  
**Subject:** FW: opposition to Cabrillo Port DWP License Application and also denial of the associated Commission right-of-way lease/application.

Date: 12/20/04

**From:** Kusano, Ken LT  
**Sent:** Monday, December 20, 2004 1:36 PM  
**To:** Flynn, Louise; 'dwp@comdt.uscg.mil'  
**Subject:** FW: opposition to Cabrillo Port DWP License Application and also denial of the associated Commission right-of-way lease/application.

V/r, KK  
 LT Ken Kusano  
 U.S. Coast Guard Headquarters  
 Deepwater Port Standards Division (G-MSO-5)  
 202-267-1184

**From:** k.adalian@att.net [mailto:k.adalian@att.net]  
**Sent:** Monday, December 20, 2004 2:28 AM  
**To:** Prescott, Mark; Keith.Lesnick@marad.dot.gov; ogginsc@slc.ca.gov; Kusano, Ken LT; DUGALB@slc.ca.gov; SANDERD@slc.ca.gov  
**Subject:** opposition to Cabrillo Port DWP License Application and also denial of the associated Commission right-of-way lease/application.

December 19, 2004

Mark Prescott, Coast Guard  
 Keith Lesnick, MARAD  
 Cy Oggins, California State Lands Commission  
 B. Dugal, California State Lands Commission  
 Dwight E. Sanders, California State Lands Commission  
 Lt. Ken Kusano, USCG

Dear Sirs:

Please DO NOT approve the Cabrillo Port DWP License Application and/or the denial of the associated Commission right-of-way lease/application. **G407-1**

**Terrorism**

The attacks of 9/11 did not just hit the poor working stiffs, it also killed many multimillionaires at the top of the Trade Towers who were working for Cantor Fitzgerald and Fred Alger in addition to the prep cooks at Windows on the World. If there is a problem with Liquefied Natural Gas (LNG), it is going to affect more than just the people picking strawberries and other fruits and vegetables on the Oxnard plain. It is likely to have far-reaching effects, devastating the engine of California's economy and thereby the US and world.

**G407-2**

G407-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

G407-2

Table 4.2-2 and Sections 4.2.6.1 and 4.2.7.6 contain information on the threat of terrorist attacks.

Section 2.1 contains information on design criteria and specifications, final design requirements, and regulations governing the construction of the FSRU. The Cabrillo Port must be designed in accordance with applicable standards, and the U.S. Coast Guard has final approval. Section 4.2.4 contains information on Federal and State agency jurisdiction and cooperation. The Deepwater Port Act specifies regulations that all deepwater ports must meet; Section 4.2.7.3 contains information on design and safety standards for the deepwater port. Section 4.2.8.2 contains information on pipeline safety and inspections. Impact EJ-1 in Section 4.19.4 addresses additional pipeline design requirements in areas of low-income and minority communities. The EIS/EIR's analyses have been developed with consideration of these factors and regulations and in full conformance with the requirements of NEPA and the CEQA.

The design, construction, and operation of natural gas facilities are highly regulated; the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration and the California Public Utilities Commission's Division of Safety and Reliability have jurisdiction over pipelines. Section 4.2.8 discusses the background, regulations, impacts, and mitigation measures for natural gas pipelines. Section 4.2.8.4 describes Project-specific valve spacing and design requirements.

The Independent Risk Assessment (IRA) has been updated since issuance of the October 2004 Draft EIS/EIR. The lead agencies directed the preparation of the current IRA, and the U.S. Department of Energy's Sandia National Laboratories independently reviewed it. See Section 4.2, Appendix C1, and Appendix C2 for additional information on third-party verification of the IRA.

Section 4.2.7.6 and the Independent Risk Assessment (Appendix C1) contain information on public safety impacts from various incidents at the FSRU. The analysis indicates that the maximum impact distance of an accident would involve a vapor cloud dispersion extending 6.3 nautical miles (7.3 miles) from the FSRU.

12/29/2004

The FSRU would be located approximately 12.01 nautical miles (13.83 miles) offshore; therefore, consequences of an accident involving LNG transport by carrier and storage on the FSRU would extend no closer than 5.7 nautical miles (6.5 miles) from the shoreline. Figure ES-1 depicts the consequence distances surrounding the FSRU location for worst credible events.

I had attended two of the public meetings on the BHP Billiton proposal and would like to reiterate my opposition the applications for the LNG Deepwater Ports. It is ludicrous that we are considering storing approximately 100 million gallons of LNG on a proposed experimental floating regasification and storage unit (FSRU) LNG facility named "Cabrillo Port," and/or the offloading LNG at the proposed experimental LNG facility at Platform Grace. We are living in a post-9/11 world and this invites unprecedented disaster.

**G407-2  
cont'd**

We thought the World Trade Towers would stand up to an airplane hitting them, but not one as big or as full of jet fuel. The EIR probably never contemplated what could happen with fully fueled planes hitting them. Mooring an experimental LNG FSRU for offloading LNG tankers, re-gasifying and storing LNG; and offloading LNG tankers and re-gasifying LNG at the old oil Platform Grace, all in unprotected seas off our shore-is as people have said-untried, untested, unproven, and would be totally irresponsible.

If there is a problem, is Homeland Security going to tell us, as is still stated on the Department's Emergencies and Disasters Web page, "Duct tape and heavy-duty plastic garbage bags can be used to seal windows and doors." Is that going to be translated into Chinese, Japanese, Spanish, Chumash Indian, etc.?

As I drive through the Oxnard area, I see "Caution signs" from The Gas Company along the streets, indicating the danger of high-pressure pipelines. I am appalled that dangerous LNG tankers, LNG facilities and their associated high volume, high pressure, industrial-sized pipelines would be considered to put our marine sanctuaries, tourism, farming and residential communities at risk of a major industrial accidental disaster or mass destruction caused by human error, earthquake or terrorist attack.

#### Safety

One of the engineers at the open house in Oxnard said he thought LNG was safe and asked did I drive in a car and did the brakes work. Yes, I do drive in a car, and in a 4-year period, I was rear-ended on the freeway and at a stop sign, so my brakes worked but the person behind me in each case had brakes that failed. This engineer also asked me if I flew in airplanes, and yes, I do, but what happened to TWA Flight 800 off the coast of Long Island? The four planes of 9/11, the plane that crashed off Massachusetts-Egypt Air Flight 990?

The Gas Company puts safety admonitions in statement stuffers what to do after an earthquake, etc. and if this were so safe, we would not require a Gas Company employee to ensure our safety. On the other hand, we do not see safety admonitions with solar energy.

LNG's is devastatingly volatile, as exemplified by the Cleveland Disaster and the recent Algerian Disaster. LNG accidents have happened and will continue to happen, no matter how many safety checks are in place. LNG accidents, which can result from a multitude of causes, have overwhelming proportions of uncontrollable devastation.

These LNG proposals are experimental. No such facilities exist on earth. Proposed offshore LNG facilities are untried, untested and unproven, and therefore have a high risk of accident as potentially catastrophic kinks are worked out-I do not want to be a guinea pig-do you? Would you want this at the Port of Sacramento? The Port of Stockton? The Port of San Francisco? The Port of Oakland? The Ports of New York and New Jersey! ? The retiree from Chula Vista who worked in Indonesia thought LNG was safe, but was he working before or after 9/11/2001. There was a terrorist attack against Australians in Bali, Indonesia after 9/11-was he there then?

**G407-3**

LNG has too dangerous a learning curve, and these proposed projects will endanger our lives, homes, marine sanctuaries, sensitive ecosystems, Channel Islands National Park, the Santa Monica Mountains National Recreation Area/Rancho Sierra Vista /Satwiwa and our coastal residential communities from Santa Barbara to Santa Monica! . It is naive to believe the "innovative" offshore proposals will work perfectly and flawlessly the first time out of the box. It is equally naive to believe they would be impervious to terrorist sabotage. In Iraq, even with our military presence, there are numerous acts of sabotage on the oil pipelines there-what is to stop someone above ground or below the water in California?

G407-3

See the response to Comment G407-2 regarding public safety impacts and terrorism. Section 4.7 discusses environmental impacts on marine biological resources. Section 4.15 discusses environmental impacts on recreational resources.



In addition, the Oxnard City Council LNG EIR study in 1977 showed up to 70,000 casualties from an LNG accident offshore. None of those risk assessments even considered acts of sabotage since this was a pre-9/11 report. The population in the Oxnard area has exploded in the years since 1977.

I studied physics and thermodynamics at Berkeley, and the laws of physics have not changed since 1977. We already know LNG is unsafe. What has changed, however, is the added risk of sabotage from suicidal terrorists, making an LNG presence all the more dangerous today. The enormous facility, tankers and pipelines will create soft-targets/sitting ducks for terrorists.

G407-4

#### Alternatives

As I mentioned at the 11/30/04 and 12/1/04 meetings, I have lived in Ventura County for over 30 years. The county has been a leading producer of fruits, nuts and berries in the US. If we can grow crops, we can certainly take advantage of solar energy. I urge that we instead invest money in renewable energy sources and not towards more IMPORTED FOSSIL FUEL. With regard to the BPH Billiton proposal, as Australia becomes a bigger trading partner with China, I do not want America's future to be further manipulated by dependency on foreign nations' fossil fuel. The billions of dollars being invested in LNG should be refocused and reinvested into creating American long-term sustainable renewable energy sources. As long as energy companies are encouraged to invest multi-billions on LNG delivering schemes to import more foreign fossil fuel - the creation of sustainable renewable sources will continue to be ignored and delayed.

G407-5

In the Sunday 12/19/04 Ventura County Star Business Section, they talk of a company which states, with their photovoltaic (PV) solar cells, "If you're not using energy, it feeds back onto the utility grid for someone else to use." And because the PV module contains no moving parts, there's very little that could go wrong. It's a product that we warranty for 25 years. Another special aspect is that Shell Solar is the only company that makes PV modules entirely in America, Handelsman added."

In the State of the State Address this year, Governor Schwarzenegger said, "Creating and retaining jobs - and the businesses that provide them - must be a priority of this Legislature. Jobs provide a solid foundation for families. Jobs add revenues to the state budget. Jobs give stability to our society. Jobs. Jobs. Jobs. The more jobs the better. I am going to become California's Job Czar." Would making sure California is using its brain and solar power to provide energy to the state and beyond would be a good way for Governor Schwarzenegger to keep that promise? Or, do we just want to give two tugboat operators jobs in a port in Ventura County?

#### Ecologically Harmful

According to some, the LNG processing / transporting scheme wastes natural gas as a world resource. Liquefying, transporting and re-gasifying natural gas WASTES between 18% and 25% of natural gas through the LNG delivery process.

On top of all this, unacceptable levels of pollution from tankers and tugboats would also result.

G407-6

#### Earthquake

In addition, do you want to risk lives and property values, which are a source of tax revenue, which are what we need to get out of our state's financial black hole? With all of the above, when we know California is seismically active, it is irresponsible to permit industrial-size gas pipelines across our beaches and through residential communities already designated as liquefaction and earthquake hazard zones. The homeowners association where I live has had to raise fees due to the increased earthquake insurance costs after the Northridge Earthquake, which was on a previously inactive fault. How many other faults lie under California that are inactive or unknown at this point?

G407-7

#### G407-4

Section 4.2.3, the Independent Risk Assessment (Appendix C1), and the U.S. Department of Energy's Sandia National Laboratories' review of the Independent Risk Assessment (Appendix C2) contain revised information on the 1977 Oxnard study.

#### G407-5

Sections 1.2.2, 1.2.3, 1.2.4, 3.3.1, 3.3.2, and 4.10.1.3 contain information on the need for natural gas, the role and status of energy conservation and renewable energy sources, and the California Energy Action Plan.

Sections 3.3.1 and 3.3.2 address conservation and renewable energy sources, within the context of the California Energy Commission's 2005 Integrated Energy Report and other State and Federal energy reports, as alternatives to replace additional supplies of natural gas.

The selection of the No Action Alternative by decision-makers, for which they have full discretion, would not fulfill the purpose and need of the Project to supply natural gas to California consumers but would maintain, for an indeterminate time, the status quo of California's and the nation's existing and projected energy supply mix, including conservation and renewable energy sources.

#### G407-6

The Project has been modified since issuance of the October 2004 Draft EIS/EIR.

See Section 1.4.2 for a summary of Project changes. Section 2.2.2.3 discusses the regasification process. Sections 4.6.1.3 and 4.6.4 contain information on regulated air pollutant emissions and an updated analysis of the impact of vessel emissions.

#### G407-7

Section 4.16.1.2 discusses property values. Sections 4.11.1 and 4.11.4 address earthquake and liquefaction hazards. Appendices J1 through J4 contain additional evaluations of seismic hazards.

The design, construction, and operation of natural gas facilities are highly regulated; the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration and the California Public Utilities Commission's Division of Safety and Reliability have jurisdiction over pipelines. Section 4.2.8 discusses the background, regulations, impacts, and mitigation measures for natural gas pipelines. Section 4.2.8.4 describes Project-specific valve spacing and design requirements.

The proposed pipelines within Oxnard city limits would meet standards that are more stringent than those of existing pipelines because they would meet the minimum design criteria for a USDOT Class 3 location. Also, MM PS-4c includes the installation of additional mainline valves equipped with either remote valve controls or automatic line break controls. SoCalGas operates high-pressure natural gas pipelines throughout Southern California.

**Taxpayer Burdens**

Homeowners insurance may be restricted to the point of being unaffordable or withdrawn by insurance companies-would the State of California guarantee that we would have adequate homeowners and earthquake insurance? Would the State of California be able to handle the financial liability, given the pitiful financial situation we are currently in, thanks to manipulative companies like Enron?

With all of the risks involved, not only can we not afford the constant security that LNG tankers, platform facilities and pipelines would require but also we cannot afford the increase in taxpayer burden for emergency, hospital, transportation and security infrastructure.

**G407-8****Economics**

Utility companies used to be such good dividend paying firms because they were cash cows and paid out the income to the shareholders-they brought in more money than it cost to run the company. There is no incentive to conserve as long as we try to get "cheap" fossil fuels that cost us billions of dollars like the war in Iraq, not to mention the lives of our military and the Iraqi civilians. The Oxnard evening and Malibu hearings ! showed how clueless we are about conserving when the temperature outside was very low and the heat was on, but the doors to the exits were wide open

**G407-9****California Coastline**

In addition, to the above exclusion security zones that will move along with the LNG tankers and be enforced around the LNG Deepwater Port facilities would disrupt and damage our fishing and resort economy, and coastal quality of life.

California's coastline is very precious and must be protected for future generations. Industrializing it with dangerous LNG facilities is absurd, and would cause irreparable harm to California's multi-billion dollar tourism industry.

Again, I reiterate that you must not permit nor approve the applications for the LNG Deepwater Ports.

**G407-10**

Sincerely,

Karine Adalian  
4704 San Sebastian Drive  
Oxnard, CA 93035

**G407-8**

Section 4.2.5 contains information on liability in case of an accident and reimbursement for local agencies.

**G407-9**

As discussed in Section 4.3.4 under Impact MT-2, the USCG does not establish security zones for LNG carriers that are beyond 12 nautical miles from shore; the LNG carrier routes are farther than 12 NM from shore.

The safety zone would extend in a circle a maximum of 500 meters from the stern of the FSRU. The area to be avoided (ATBA) would surround the safety zone, but would not extend as far as the coastwise traffic lanes (see Figure 4.3-4 and Sections 2.2.4 and 4.3.1.4).

Section 4.3.1.4 states, "The ATBA is considered by the USCG to be a recommendatory routing measure. Mariners could choose whether to avoid this area. Mariners would not be penalized for entering this area, nor would any action be taken to require them to leave the area. A vessel transiting the ATBA would be requested to restrict its speed to no more than 10 knots (19 km/hour) and to check in and out with the Cabrillo Port vessel operations manager. Both the speed limit restriction and contact with the Cabrillo Port vessel operations manager would be voluntary actions by mariners in vessels transiting the ATBA." Therefore, vessel traffic in the traffic lanes would not be affected by the safety zone or the ATBA (see Section 4.3.4). The safety zone could not be made any larger because its size is governed by international law.

Sections 4.7.4 and 4.8.4 contains information on potential impacts on marine and terrestrial biological resources and mitigation measures to address such impacts. Section 4.16 addresses impacts on commercial fishing and tourism.

**G407-10**

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website  
Date: 12/15/2004  
First Name: Alexis  
Last Name: Ahle  
Address: 4733 Gateshead Road  
City: Carlsbad  
State: CA  
Zip Code: 92008  
Topic: Aesthetics  
Comments: The fact that they are even planning on painting the Cabrillo Project to lessen its visual impact shows they are going the extra mile. Having the project far out at sea will also help in that respect. I believe they are doing their part to minimize the visual impact the project will have on the California coast.

G035-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.



Origin: E&E Website  
 Date: 12/19/2004  
 First Name: Audrey  
 Last Name: Albert  
 Title: OTR  
 Address: 329 Blue Dolphin Drive  
 City: Port Hueneme  
 State: CA  
 Zip Code: 93041  
 Phone No.: 805-271-8105  
 Email Address: audalb@earthlink.net  
 Topic: Other/General Comment  
 Comments: We are already in a high profile area in re. to potential for disaster with our Navy base and deep sea port. It is unconscionable to add another risk for disaster to our coastal area. Especially since this system has not been tried, only by computer model. The potential for a horrific accident should not be placed so close to populated area. **G212-1**  
 This will be looked upon as a "fast tracked" pet project, slipped by while people's backs were turned during the holidays. To have a deadline date for comments due the week of Christmas is a cruel joke on the public! **G212-2**

## G212-1

Section 4.20.3 discusses cumulative impacts. Sections 2.1 and 4.2.7.3 contain information on design criteria and specifications, final design requirements, and regulations governing the construction of the FSRU and LNG carriers. Section 3.3.7 contains information on the location of the Project in relation to populated areas. The deepwater port would be 12.01 nautical miles (14 miles) offshore and therefore would be remote from populated areas, as shown on Figure ES-1. Section 4.2.3, the Independent Risk Assessment (Appendix C1), and the Sandia Review of the Independent Risk Assessment (Appendix C2) contain additional information on public safety.

## G212-2

All deepwater port applications fall under the authority of the Deepwater Port Act, which requires that a decision on the application be made within 330 days of the publication of the Notice of Application in the Federal Register. The Notice of Application for the Cabrillo Port Project was published in the Federal Register on January 27, 2004. Although the comment period (53 days) could not be extended at that time, a March 2006 Revised Draft EIR was recirculated under the CEQA for an additional public review period of 60 days. Section 1.4.1 contains additional information on this topic.

Section 1.5 contains information on opportunities for public comment. After the MARAD final license hearing, the public will have 45 days to comment on the Final EIS/EIR and the license application. The Federal and State agencies will have an additional 45 days to provide comments to the MARAD Administrator. The Administrator must issue the Record of Decision within 90 days after the final license hearing. The CSLC will hold a hearing to certify the EIR and make the decision whether to grant a lease. The California Coastal Commission will also hold a hearing. Comments received will be evaluated before any final decision is made regarding the proposed Project.



From: Audrey [mailto:audalb@earthlink.net]  
 Sent: Sunday, December 19, 2004 2:17 AM  
 To: Kusano, Ken LT  
 Subject: LNG

Attn. Lt. Kusano

G408-1

It appears as though the LNG project is being slipped in while our backs are turned during the holiday season. To have the public comment period end the week of Christmas is unconscionable.

The EIR is a formidable sized document. It took me many hours to read just a few of the sections, much less scrutinize facts and figures that require specialized knowledge. You have the comments from knowledgeable professionals who have studied this document and reported to you their findings. I heard them make those reports to you at the hearing on Nov. 30th. And I heard very disturbing reports from those experts re safety and environmental concerns. You have also. And you need to listen to them.

G408-2

Audrey Albert  
 Port Hueneme

G408-1

All deepwater port applications fall under the authority of the Deepwater Port Act, which requires that a decision on the application be made within 330 days of the publication of the Notice of Application in the Federal Register. The Notice of Application for the Cabrillo Port Project was published in the Federal Register on January 27, 2004. Although the comment period (53 days) could not be extended at that time, a March 2006 Revised Draft EIR was recirculated under the CEQA for an additional public review period of 60 days. Section 1.4.1 contains additional information on this topic.

Section 1.5 contains information on opportunities for public comment. After the MARAD final license hearing, the public will have 45 days to comment on the Final EIS/EIR and the license application. The Federal and State agencies will have an additional 45 days to provide comments to the MARAD Administrator. The Administrator must issue the Record of Decision within 90 days after the final license hearing. The CSLC will hold a hearing to certify the EIR and make the decision whether to grant a lease. The California Coastal Commission will also hold a hearing. Comments received will be evaluated before any final decision is made regarding the proposed Project.

G408-2

Oral comments provided during the public hearings on the October 2004 Draft EIS/EIR and the March 2006 Revised Draft EIR were transcribed, made part of the public record and are available for review by decision-makers. Transcripts from the hearings and responses to the comments are in this Final EIS/EIR. Oral comments provided at public hearings carry the same weight as written comments.

DEC. 19. 2004 9:34PM

305776

NO. 431 P. 1/1

USCG-2004-16877-893


I attended the hearing at the Arts Center in Oxnard to speak out in support of the LNG project that has received so much attention but was unable to wait any longer to speak. I waited nearly two hours to speak in support of this project.

Source:  
USCG Docket

Date: 12/19/04

G409-1

G409-2

  
Elizabeth (Liz) Alfara  
734 Pivot Point Wy.  
Oxnard

2004 DEC 20 PM 12:32

DATE OF RECEIPT

Docket No. USCG-2004-16877  
State Clearinghouse No.  
20044021107

G409-1

The notices for the public meetings and the information provided at the public meetings indicated that commenters would speak in the order that their requests were received, after elected officials and representatives of government agencies were heard. We regret that you were unable to stay at the meeting to provide oral testimony; however, your submitted written comment carries the same weight as any oral comments provided at public hearings.

G409-2

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website  
Date: 12/19/2004  
First Name: Art  
Last Name: Anderson  
Address: 2311 Donella Cir.  
City: Bel Air  
State: CA  
Zip Code: 90077  
Topic: Alternatives  
Comments: Our state is a very big tourism place, and our weather plays a large role in the reason for this. I would like to see a natural gas facility here in order to help save our beautiful weather and keep people coming to California. Natural gas is clean burning and very efficient energy, and we need to do something right now to clean up our air and keep our beautiful weather. I would like to see this LNG Port put into action.

G250-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

**Comment Form—Cabrillo Port LNG Deepwater Port draft EIS/EIR**

Name (Please Print): TLEENE ANDERSON Source: Public Meeting - Santa Clarita  
 Organization/Agency: California Native Plant Society Date: 11/29/2004  
 Street Address: 2733 Cardwell Place G221  
 City: Los Angeles State: CA Zip Code: 90046-1201  
 Email address: wanderson@cnp.s.org

Please provide written comments in the space below and drop this form into the comment box.

**You may also submit comments**

- Electronically through the Project Web site at <http://www.cabrilloport.ene.com>
- Electronically through the Docket Management System Web site (docket number 16877) at <http://dms.dot.gov>
- Or by mail or email to following addresses:

Docket Management Facility  
 Room PL-401  
 400 Seventh Street SW  
 Washington, DC 20590-0001

California State Lands Commission  
 100 Howe Avenue, Suite 100-South  
 Sacramento, CA 95825  
 ogginsc@slc.ca.gov  
 Attention: Cy Oggins

**All comments must be received by 2 p.m. PST, December 20, 2004**

Comments (Use other side or attach additional sheets if necessary): \_\_\_\_\_

please see attached comments

No action will be taken until the environmental review process is completed.



# California Native Plant Society

November 29, 2004

Ken Kusano  
(G-MSO-5)  
2100 Second Street, S.W.  
Washington, D.C. 20593-0001

Cy Oggins  
California State Lands Commission  
100 Howe Ave., Suite 100-South  
Sacramento, CA 95825-8202

RE: Comments on the Draft Environmental Impact Statement/Environmental Impact Report Cabrillo Port Deepwater Port.

The following are the preliminary comments of the California Native Plant Society (CNPS) on the Draft Environmental Impact Statement/Environmental Impact Report Cabrillo Port Deepwater Port. The California Native Plant Society (CNPS) is a non-profit organization of more than 10,000 laypersons and professional botanists organized into 32 chapters throughout California. Three of the local chapters, Channel Islands, Los Angeles/Santa Monica Mountains and the San Gabriel Chapter are involved with issues in the proposed project area. The mission of the California Native Plant Society is to increase understanding and appreciation of California's native plants and to conserve them and their natural habitats, through education, science, advocacy, horticulture and land stewardship. Our members and chapters work closely with the state and federal agencies to manage and conserve rare and common botanical resources in California.

Our preliminary comments are organized into two sections, General Comments on the document and document specific Comments. We will be submitting additional comments prior to the December 20, 2004 deadline.

#### General Comments:

The document is incomplete in its analysis of the impacts, because according to page 4.8-36, lines 23-24, "A comprehensive botanical survey has not been conducted; therefore, it is not known whether the rare or special status plants along the proposed pipeline route are present." CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is sufficient as an informational document. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692).

The EIR is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action. (*People ex rel. Department of Public Works v. Boslo*, 47 Cal. App. 3d 495.) The CNPS does not see an analysis of the ecological implications of this action, based on the lack of on-the-ground surveys as acknowledged by the document. Therefore, we request that a supplemental EIR/EIS be issued that fully evaluates the environmental conditions along the pipeline routes and then analyzes them for environmental impacts.

The *Cabrillo Port Liquefied Natural Gas Deepwater Port DRAFT EIS/EIR* is inadequate from our perspective because the essential surveys are relegated to pre-construction surveys that are proposed after the CEQA and National Environmental Policy Act (NEPA) document is final – allowing no public review of what the project will actually impact. The impacts cannot be identified because of lack of accurate data, and consequently the mitigations are also impossible address and evaluate.



Dedicated to the preservation of California native flora

Source:  
Public Meeting - Santa Clarita  
Date: 11/29/2004

2004/G221

#### G221-1

Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Section 4.8 has been updated with information resulting from these surveys. Oak tree surveys were conducted to determine whether any oak trees would need to be removed during construction. Botanical surveys were conducted for Federal and State listed species. Wetland delineations were conducted (using Army Corps of Engineers definitions and California Coastal Commission and California Department of Fish and Game wetland definitions where appropriate) for the proposed pipeline routes. Section 4.8.1 presents a discussion of baseline wetland conditions resulting from these wetland delineations. Additional preconstruction plant surveys specific to the final construction timeline and designated pipeline alignment would be completed for special status species, federally listed species, or California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local plants.

#### G221-2

Section 4.8 contains revised information on environmental conditions and impacts.

A Revised Draft EIR was recirculated for an additional public review period of 60 days. Section 1.4.1 contains additional information on this topic.

G221-1

G221-2

Document Specific Comments:

Page 4.8-13, Figure 4.8-3 **Special Status Plant, Wildlife, and Natural Communities within 5 mile radius of Pipeline, Ventura County.** It was impossible to tell where the Salt Marsh Bird's Beak, Coulter's Goldfields and Southern Riparian Scrub were actually located on this Figure. Therefore, the effect of the project cannot be evaluated.

Page 4.8-15 Figure 4.8-3a **Special Status Plant, Wildlife and Natural Communities within 5 mile radius of Pipeline Ventura County (Map 2 of 2).** This map indicates that the pipeline will be going right through a population of Ventura Marsh Milkvetch. We could not find any discussion of the potential impacts to the Ventura Marsh Milkvetch in the document. Also note an incorrect spelling of the milkvetch in the legend.

Page 4.8-17 Figure 4.8-4 **Special Status Plant, Wildlife, and Natural Communities within 5 mile radius of Pipeline, Los Angeles County.** This map indicates that four rare plants occur within a 5-mile radius, but again it was impossible to tell exactly where they are located. They include as listed: California Orcutt grass, Rayless ragwort, San Fernando Valley spineflower and the Short-joint beavertail. However, **Table 4.8-5A Special Status Plant Species Potentially Occurring in the Vicinity of the Proposed Line**

**225 Pipeline Loop** lists TWENTY additional species that are not represented on the Figure. Therefore, Figure 4.8-4 significantly misrepresents the number of rare plant species with potential to occur within the project area. It also does not document the four rare species that Table 4.8-5 indicates **actually occur** on the project site vicinity. Again, the CNPS see this as a significant misrepresentation of the actual on-site environmental conditions.

Additionally Figure 4.8-4 has unclearly mapped five "Special Status Terrestrial Communities", including Mainland Cherry Forest, Southern Coast Live Oak Riparian Forest, Southern Cottonwood Willow Riparian Forest, Southern Riparian Scrub, and Southern Willow Scrub. However, descriptions of these rare plant communities were not found in the document, much less an analysis of impacts from the proposed project. The CNPS requests that all "Special Status Terrestrial Communities" be addressed in a supplemental EIR/EIS.

Page 4.8-26 through 29, Table 4.8-6 **Major Laws, Regulatory Requirements, and Plans for Biological Resources –Terrestrial** lacks reference to the Los Angeles County Oak Tree Ordinance, with which the project must comply.

Page 4.8-31 **Table 4.8-7 Summary of Terrestrial Biological Resources Impacts and Mitigation Measures**

- **"AMM TerrBio-2a. Pre-Construction Surveys.** The Applicant would conduct pre-construction, in season surveys according to appropriate survey protocols for special status species, and any federally listed species specified by the USFWS or the CDFG." While the CNPS supports surveys as proposed above, we note that the CDFG implements the California Endangered Species Act (CESA), which includes a suite of species that may not be "special status species" or "federally listed". Therefore, we request the inclusion of CESA protected species here. Same comment applies on Page 4.8-37, where the mitigation measure should include all protected species.

G221-3

Figure 4.8-3 has been modified to show the known location of sensitive species and habitat.

G221-3

G221-4

Section 4.8.5 discusses potential impacts on Ventura marsh milk-vetch.

G221-4

G221-5

The identification of rare plants and plant communities within a 5-mile radius shown on Figure 4.8-7 was based on data provided by the California Natural Diversity Database (CNDDB), which does not provide exact locations of individual rare plants. The Applicant conducted botanical surveys within the pipeline rights-of-way to further define the location of rare plants in the Project area. Figure 4.8-7 provides a geographic representation of the potential locations of plant species where data are available or based upon botanical survey results. The rare plants or plant communities shown in the figure as located outside the pipeline rights-of-way were based upon data provided by the CNDDB. Table 4.8-9a presents the plant species observed during the botanical surveys.

G221-5

G221-6

Impact TerrBio-2 in Section 4.8.4 discusses effects on rare and special status plant species.

G221-6

G221-7

Section 4.8.2 has been reorganized. The reference has been added to Table 4.8-10, as requested. However, the proposed Project is within the city of Santa Clarita, and therefore must comply with Santa Clarita's Oak Tree Preservation Ordinance. Sections 1.6 and 4.13 contain information on this topic.

G221-7

G221-8

The text in Section 4.8 has been revised. See response to Comment G221-1 also.

G221-8



- **"AMM TerrBio-2b. Biological Resources Mitigation and Monitoring Plan (BRMIMP).** *Surveys would be conducted within any areas potentially impacted by Project activities during construction or operation where special status species potentially occur.*" The CNPS request that the BRMIMP be included for review as part of the draft EIR. We fail to see how the described surveys provide effective mitigation or monitoring of that mitigation. We request that this section be addressed by clearly stating the potential impacts and mitigations in compliance with the regulatory requirements.
- **"AMM TerrBio-3a. Seed Bank Retention.** *The Applicant would implement measures for seed bank retention.*" What are the measures for seed bank retention? The CNPS requests that seed bank of native species (not weed seeds) be the focus of retention efforts.

**Page 4.8-32 Table 4.8-7 Summary of Terrestrial Biological Resources Impacts and Mitigation Measures**

- **"MM TerrBio-4a. Avoid, Minimize, or Reduce Impacts on Wetlands.** *Impacts on wetlands or waters of the United States that provide habitat for special status plant species shall be avoided, minimized, or reduced.*" The CNPS supports this measure, however, we note that while wetlands and waters of the US in California generally support rare riparian plant communities, special status animals, not just plants, are also affected by impacts to these types of plant communities/habitats. Therefore, the CNPS requests that more inclusive language for all flora and fauna be incorporated.

Page 4.8-37, lines 20-30. Transplantation is typically a documented failure for sensitive plants species (CDFG, personal communication), with success rates for reestablishment of less than 8%. Therefore the CNPS requests that avoidance is the preferred mitigation for the project. If avoidance is not possible, then off-site acquisition of an appropriate amount of habitat, that is occupied by the species and committed to conservation in perpetuity, is required.

Page 4.8-38, line 11 through 4.8-39, line 24. The **AMM TerrBio-2b. Biological Resources Mitigation and Monitoring Plan (BRMIMP)** needs to be included as part of the draft EIR/EIS. How else can the public review the adequacy of the mitigations and suggest feasible alternatives?

Based on our comments, CNPS requests a Supplemental EIR/EIS that discloses the actual on-the-ground botanical resources that have potential to be impacted by the project, a full analysis of the impacts and a clearly written mitigation plan. We would be happy to provide any additional information that would be helpful to the project proponents.

Thank you for the opportunity to provide these comments.

Sincerely,



Heene Anderson  
 Southern California Regional Botanist  
 California Native Plant Society

G221-9

G221-9

AM TerrBio-2b in Section 4.8.4 specifies the elements of the BRMIMP. The BRMIMP would be reviewed by appropriate agencies and incorporated in the Mitigation Monitoring Program described in Section 6.1.

G221-10

G221-10

Impact TerrBio-4 in Section 4.8.4 contains information on noxious weed invasion management and seed bed.

G221-11

G221-11

The text of MM TerrBio-3a has been revised.

G221-12

G221-12

Impact TerrBio-2 in Section 4.8.4 contains revised text on this topic.

G221-13

G221-13

See the response to Comment G221-9.

G221-14

G221-14

See the response to Comment G221-1. A Revised Draft EIR was recirculated under CEQA for an additional public review period of 60 days. Sections 1.4 and 1.5.3.2 contain additional information on this topic. The distribution list for the document is provided in Appendix A.

Origin: E&E Website  
Date: 12/19/2004  
First Name: Bogdan  
Last Name: Andriychenko  
Topic: Other/General Comment  
Comments: 5. California has ongoing problems with energy (think back to 2001!). If  
Cabrillo Port can be part of a solution while showing minimal impacts to  
the environment, I say GO FOR IT! I look forward to seeing the results  
someday in a lessening of my gas bill!!!

G255-1

Your statement is included in the public record and will be taken  
into account by decision-makers when they consider the proposed  
Project.



Name (Please Print): Lenore Arab Source: Public Meeting - Oxnard PM  
 Organization/Agency: \_\_\_\_\_ Date: 11/30/2004  
 Street Address: 2264 Pond View Pl  
 City: Thousand Oaks State: CA Zip Code: 91362  
 Email address: larab@ucla.edu

Please provide written comments in the space below and drop this form into the comment box.

**You may also submit comments**

- Electronically through the Project Web site at <http://www.cabrilloport.ene.com>
- Electronically through the Docket Management System Web site (docket number 16877) at <http://dms.dot.gov>.
- Or by mail or email to following addresses:

Docket Management Facility  
 Room PL-401  
 400 Seventh Street SW  
 Washington, DC 20590-0001

California State Lands Commission  
 100 Howe Avenue, Suite 100-South  
 Sacramento, CA 95825  
 ogginsc@slc.ca.gov  
 Attention: Cy Oggins

**All comments must be received by 2 p.m. PST, December 20, 2004**

Comments (Use other side or attach additional sheets if necessary): \_\_\_\_\_

The anecdotal reports from individuals having worked on LNG ships do not provide any basis for risk assessment. An epidemiologist should be retained to present risk rates and confidence intervals on risk of harm to individuals - this should be part of the EIR/EIS.

G089-1

No action will be taken until the environmental review process is completed.

G089-1

The footnote in Section 4.2.7.6 contains information on this topic.

Origin: E&E Website  
Date: 12/20/2004  
First Name: Mark  
Last Name: Armstrong  
Address: 1664 South Elizabeth Street  
City: Denver  
State: CO  
Zip Code: 80210  
Topic: Alternatives

Comments: The recent increase in gas and oil drilling projects in Colorado is frightening. We need alternatives like the proposed LNG facility to help supplement our own use of natural gas on a state and national level. It is important that we do not create for ourselves another foreign dependency for a natural resource like we have with oil. Importing gas from Australia is a good alternative to selling off all of our natural resources at home. Please approve the installation of the proposed LNG facility.

G335-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website  
Date: 12/17/2004  
First Name: Micah  
Last Name: Austin  
Address: P.O. Box 532  
City: Alpine  
State: CA  
Zip Code: 91903  
Topic: Socioeconomics

Comments: I am a college student and I am worried about what kind of job I am going to be able to find once I graduate. Every day I keep hearing stories about companies leaving California because it is too expensive to do business here. I was born and raised in California and I don't want to have to move out of state to start my career. But if California doesn't have the infrastructure in place that businesses need, then they are going to go somewhere else. I support the BHP Cabrillo Deepwater Plant. This is exactly the kind of innovative thinking we need to keep businesses in California.

G152-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.